

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6259

BILL NUMBER: SB 185

NOTE PREPARED: Nov 28, 2011

BILL AMENDED:

SUBJECT: Battery on a Security Officer.

FIRST AUTHOR: Sen. Grooms

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill enhances the penalty for battery if it is committed against a security officer while the officer is performing the officer's duties.

Effective Date: July 1, 2012.

Explanation of State Expenditures: *Battery Resulting in Bodily Injury* – This bill enhances the penalty for battery if it is committed against a security officer while the officer is performing the officer's duties from a Class B misdemeanor to a Class A misdemeanor. It also makes it a Class D felony if the battery results in bodily injury.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$18,836 in FY 2011. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,591 in FY 2011. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Simple Battery or Battery Resulting in Bodily Injury* – Revenue to the Common School Fund may increase if a person is sentenced for a Class A misdemeanor rather than for a Class B misdemeanor. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class A misdemeanor is \$5,000. Court fees of \$120 would remain unchanged.

The maximum fine for a Class D felony is \$10,000.

Explanation of Local Expenditures: Costs to local governments could increase because the maximum term of imprisonment for a Class B misdemeanor is up to 180 days while the maximum term for a Class A misdemeanor is up to one year. The average daily cost of housing a prisoner is an approximately \$44.

However, if an offender is sentenced to state prison rather than to a county jail because of a Class D felony, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year.

Explanation of Local Revenues: Court fees of \$120 would remain unchanged.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

Fiscal Analyst: Chuck Mayfield, 317-232-4825.